

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 24

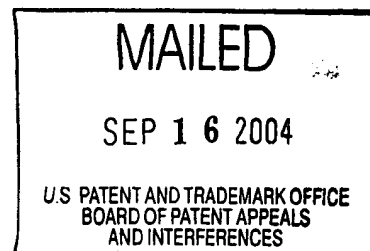
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES A. SALOMON, STEVEN E. COHEN,
CYNDIE JONAS and ERIC A. BELEC

Appeal No. 2004-1961
Application 09/751,489

ON BRIEF



Before COHEN, FRANKFORT, and McQUADE, Administrative Patent Judges.

FRANKFORT, Administrative Patent Judge.

REMAND TO THE EXAMINER

This application is remanded to the examiner for action in accordance with the following comments.

The appeal involves claims 1 through 20, all of the claims pending in this application.

Appellants' invention relates generally to a transport system that uses driving belts to move mailpieces and, more particularly, to a transport system to move mailpieces into a printing station to be printed with an indicia, address, advertisement slogan, or other image. Figure 1 of the application is described as being "a diagrammatic representation illustrating the double belt transport system according to the present invention" (specification, page 3). Figure 2 is said to be "a diagrammatic representation illustrating the side view of the transport system" (pages 3-4). Figures 5A-5D are said to be front cross sectional views of various embodiments of the invention, with Figure 5A being the "preferred embodiment of the present invention" (page 4).

Our first problem stems from the fact that the side view shown in Figure 2 does not appear to be an accurate representation of a side view of the transport system depicted in Figure 1. Note particularly, that Figure 1 shows the lower belt (14) extending beyond the upper belt (12) at both the upstream and downstream ends of transport system (10), while Figure 2

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clearly does not. Nor do the drawings show where the front cross sectional views of Figures 5A-5D are taken. Clarification of these issues is required.

Claim 1 on appeal reads as follows:

1. A double belt transport system having an upstream end and a downstream end for moving a mailpiece from the upstream end into a printing area of a printer, wherein the mailpiece has a lower surface and an opposing upper surface to be printed by a print head located in the printing area, said transport system comprising;

an upper looping belt having a straight section with a predetermined width covering the printing area, wherein the straight section defines a registration plane regarding the print head; and

a lower looping belt having a mailpiece intake section that extends beyond the width of the upper belt adjacent the printing area running from the upstream end towards the downstream end, wherein the mailpiece intake section and the straight section form a wedge-shaped gap resulting in a soft ingest nip so that the tension of the lower belt is controlled by the elasticity of the lower belt wrapped around fixed pulleys to provide a normal force between mailpieces having different thicknesses and the upper belt for providing a friction force to move the mailpiece into the printing area for printing.

Since we are having significant problems understanding the claims on appeal and reading claim 1, and independent claims 9 and 11, on the embodiments described in appellants' specification and shown in the drawings of the present application, we remand for the examiner to consider whether the claims on appeal comply

with the requirements of 35 U.S.C. § 112, first and second paragraphs. In particular, we are at a loss to understand the limitation in claim 1 concerning the upper belt (12) "having a straight section with a predetermined width covering the print area." As is apparent from both Figures 1 and 5A-5D of the application, the upper belt (12) is arranged adjacent to, and to one side of, the print head (102) and printing area (112), no portion of the upper belt (12), either widthwise or lengthwise, is positioned so as to cover the print area, as currently recited in claim 1. A similar problem exist with regard to the similar "covering the print area" limitation in independent claim 11.

Another point of concern relates to the limitation in independent claim 1 regarding the lower belt (14) "having a mailpiece intake section that extends beyond the width of the upper belt adjacent the printing area running from the upstream end towards the downstream end, wherein the mailpiece intake section and the straight section [of the upper belt] form a wedge-shaped gap resulting in a soft ingest nip." In the first place, appellants' have not described a "mailpiece intake section" in the specification, or specifically identified such an intake section in the drawings. In addition, it is not clear how

the recited mailpiece intake section "extends beyond the width of the upper belt adjacent the printing area running from the upstream end towards the downstream end." Moreover, it appears to us that the recitation in claim 1, and independent claims 9 and 11, requiring the mailpiece intake section and the straight section of the upper belt to form a wedge-shaped gap resulting in a soft ingest nip, is inconsistent with the description in the specification (page 5) and drawing Figure 2 concerning both the straight section (24) and the ingest nip (40). Page 5 of the specification expressly describes the "straight section" (24) of upper belt (12) as being located "between the pulleys 26 and 28 running the length of the printing area 112," while Figure 2 shows the wedge-shaped gap and ingest nip (40) as clearly being located upstream from the straight section (24). Thus, it appears to us that the wedge-shaped gap and resulting soft ingest nip (40) are formed by other portions of the upper and lower belts, and not by any portion of the straight section (24). Clarification of these issues is required before any meaningful evaluation of the prior art rejections applied by the examiner can be undertaken.

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In the context of the rejections under 35 U.S.C. § 102(b) based on Magee and Coudray, and the additional rejections under 35 U.S.C. § 103(a), we take this opportunity to remind appellants that the argument presented must specify the errors in the rejection and explain how and why the claim limitations pointed to by the appellant render the claims patentable. It does not appear that appellants' general argument that neither Magee nor Coudray disclose or anticipate the "lower looping belt" limitations of claims 1, 9 and 11, without more, complies with there requirements, especially where, as here, the examiner has made specific findings as to how the claims on appeal read on the structure of Magee and Coudray. The same can be said for appellants' arguments regarding the rejections under 35 U.S.C. § 103(a), where we fail to see that appellants have specified any error in the examiner's rejections.

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This remand to the examiner pursuant to 37 CFR § 41.50(a)(1) (effective September 13, 2004, 69 Fed. Reg. 49960 (August 12, 2004), 1286 Off. Gaz. Pat. Office 21 (September 7, 2004)) is made for further consideration of a rejection. Accordingly, 37 CFR § 41.50(a)(2) applies if a supplemental examiner's answer is written in response to this remand by the Board.

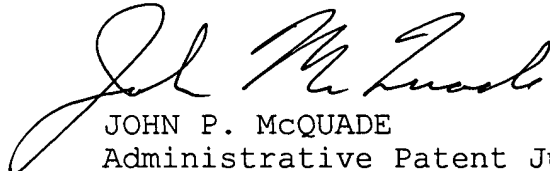
REMANDED



IRWIN CHARLES COHEN)
Administrative Patent Judge)



CHARLES E. FRANKFORT)
Administrative Patent Judge)



JOHN P. McQUADE)
Administrative Patent Judge)

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